

**EXHIBIT 6**

**From:** "LaBarron Boone" <labarron.boone@beasleyallen.com>  
**To:** "Gregory Brockwell" <GAB@carrallison.com>  
**Date:** 11/30/05 12:59PM  
**Subject:** RE:

Yes, I have no problem with depo in my office. However, please let me know so I can book room. Most times conference rooms are available. The 13th is a good date for a bunch of depositions after ms. Stirling depo. since it will be short. Please give me dates you all available since I atleast want to depose Mr. Stephens wife.

I think we will need to get an extension like we did on other issues like disclosure cut off. If we do not, I need to dispose your experts on the 16th.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
Sent: Wednesday, November 30, 2005 12:34 PM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: Re:

Your office provided 12/5 as a good date for you yesterday, but, if it is not, I will check with Officer Stapler to see if 12/7 or 9 will work for him. As you know, our discovery cutoff is 12/16. We are trying to schedule several depositions prior to the cutoff. Please let me know every date that you are available. Also, please let me know if you will agree to use your conference room for any Montgomery depositions.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
www.carrallison.com

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 11/30/05 12:17PM >>>

I have conflict on that date (Dec 5) for stapler deposition and Mr. beasley is in trial in texas trying Vioxx case. I am meeting with my expert on that date and have other commitments. Can we do on 7th or 9th. I will have to object with the court if you will not agree to a mutually convenient time.

LABARRON N. BOONE  
Shareholder  
BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.  
218 Commerce Street  
P.O. Box 4160  
Montgomery, Alabama 36103-4160  
Phone: 334-269-2343  
Toll Free: 1-800-898-2034  
FAX: 334-954-7555  
Email: labarron.boone@beasleyallen.com  
Website: www.beasleyallen.com

"Helping Those Who Need It Most For Over Twenty-Five Years"

**CC:** "Dora Johnson" <dora.johnson@beasleyallen.com>

**From:** Gregory Brockwell  
**To:** LaBarron Boone  
**Date:** 11/30/05 2:30PM  
**Subject:** RE:

We will agree to an extension of the discovery cutoff. What new cutoff date do you propose?

We are attempting to schedule the depositions of two FHP officers regarding the BOLO report. They are available in Tallahassee on the afternoons of 12/12 and 12/14. Will either of those dates work for you?

As for the deposition of Mrs. Stephens, I believe you will need to work through her counsel to set up her deposition. I would suggest that you contact her counsel and get several possible dates and then you and I can pick from those dates. I would like to wait until the Court rules on our motion for protective order prior to taking her deposition as that ruling would dictate whether or not you could ask Mrs. Stephens questions about her workers' compensation claim.

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

>>> "LaBarron Boone" <[labarron.boone@beasleyallen.com](mailto:labarron.boone@beasleyallen.com)> 11/30/05 12:52PM >>>

Yes, I have no problem with depo in my office. However, please let me know so I can book room. Most times conference rooms are available. The 13th is a good date for a bunch of depositions after ms. stirring depo. since it will be short. Please give me dates you all available since I atleast want to depose Mr. Stephens wife.

I think we will need to get an extension like we did on other issues like disclosure cut off. If we do not, I need to dispose your experts on the 16th.

-----Original Message-----

From: Gregory Brockwell [<mailto:GAB@carrallison.com>]  
Sent: Wednesday, November 30, 2005 12:34 PM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: Re:

Your office provided 12/5 as a good date for you yesterday, but, if it is not, I will check with Officer Stapler to see if 12/7 or 9 will work for him. As you know, our discovery cutoff is 12/16. We are trying to schedule several depositions prior to the cutoff. Please let me know every date that you are available. Also, please let me know if you will agree to use your conference room for any Montgomery depositions.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial

(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

>>> "LaBarron Boone" <[labarron.boone@beasleyallen.com](mailto:labarron.boone@beasleyallen.com)> 11/30/05 12:17PM >>>

I have conflict on that date (Dec 5) for stapler deposition and Mr. beasley is in trial in texas trying Vioxx case. I am meeting with my expert on that date and have other commitments. Can we do on 7th or 9th. I will have to object with the court if you will not agree to a mutually convenient time.

LABARRON N. BOONE  
Shareholder  
BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.  
218 Commerce Street  
P.O. Box 4160  
Montgomery, Alabama 36103-4160  
Phone: 334-269-2343  
Toll Free: 1-800-898-2034  
FAX: 334-954-7555  
Email: [labarron.boone@beasleyallen.com](mailto:labarron.boone@beasleyallen.com)  
Website: [www.beasleyallen.com](http://www.beasleyallen.com)  
"Helping Those Who Need It Most For Over Twenty-Five Years"

**CC:** Brett Ross; Dora Johnson

**From:** "LaBarron Boone" <labarron.boone@beasleyallen.com>  
**To:** "Gregory Brockwell" <GAB@carrallison.com>  
**Date:** 12/1/05 3:46PM  
**Subject:** RE: Roby v. Benton Express

I want to depose ms stephens on Dec 8 @ 9am. Only day she has as of now. Let me know if that is fine.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
Sent: Thursday, December 01, 2005 3:18 PM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: Roby v. Benton Express

LaBarron,

Please let me know if you are available for depositions of two Florida Highway Patrol officers in Tallahassee on December 9, 14, 15, 21, or 22. The depositions would start at about 1:00 p.m., so it should be a fairly easy trip to make in one day.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
www.carrallison.com

**From:** Gregory Brockwell  
**To:** LaBarron Boone  
**Date:** 12/2/05 7:22AM  
**Subject:** RE: Roby v. Benton Express

LaBarron,

As stated in an earlier message, we believe that we should wait until the Court rules on our Motion for Protective Order before deposing Mrs. Stephens. We expect that you will be asking her at least some (and probably a lot) of questions regarding her workers' compensation claim. If you can assure us that you will not be asking her any workers' compensation questions, then Dec. 8 will be fine for her deposition. Otherwise, we need to wait for the Court's ruling.

Following up on the message below, we need to know when you are available to go to Tallahassee. Please let us know as quickly as possible so that we can get the Florida HP depositions set up.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

>>> "LaBarron Boone" <[labarron.boone@beasleyallen.com](mailto:labarron.boone@beasleyallen.com)> 12/01/05 03:40PM >>>

I want to depose ms stephens on Dec 8 @ 9am. Only day she has as of now. Let me know if that is fine.

-----Original Message-----

From: Gregory Brockwell [<mailto:GAB@carrallison.com>]  
Sent: Thursday, December 01, 2005 3:18 PM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: Roby v. Benton Express

LaBarron,

Please let me know if you are available for depositions of two Florida Highway Patrol officers in Tallahassee on December 9, 14, 15, 21, or 22. The depositions would start at about 1:00 p.m., so it should be a fairly easy trip to make in one day.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile

Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

**CC:** Brett Ross



**From:** Gregory Brockwell  
**To:** LaBarron Boone  
**Date:** 12/2/05 2:31PM  
**Subject:** RE: Roby v. Benton Express

As a compromise, we will agree for Mrs. Stephens' deposition to go forward on 12/8 on the condition that you ask the workers' comp questions in a separate section (like at the very end) and that the transcript will remain confidential and under seal until the Court rules on our motion. Please let us know if you will agree to this condition.

As for the Florida HP officers, their depositions will need to take place at their headquarters in Tallahassee. This is about 200 miles from Mrs. Stephens' deposition in Pensacola, so I don't see how we could do them all in one day. Please let me know what days you are available for a separate trip to Tallahassee. Thanks.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/02/05 08:05AM >>>

I will be asking those questions, but deadline is approaching and if courts rules in your favor then it will be inadmissible. Not harm by going forward. If we can agree on 8th lets do any other florida depo then.

-----Original Message-----

From: Gregory Brockwell [mailto:[GAB@carrallison.com](mailto:GAB@carrallison.com)]  
Sent: Friday, December 02, 2005 7:23 AM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: RE: Roby v. Benton Express

LaBarron,

As stated in an earlier message, we believe that we should wait until the Court rules on our Motion for Protective Order before deposing Mrs. Stephens. We expect that you will be asking her at least some (and probably a lot) of questions regarding her workers' compensation claim. If you can assure us that you will not be asking her any workers' compensation questions, then Dec. 8 will be fine for her deposition. Otherwise, we need to wait for the Court's ruling.

Following up on the message below, we need to know when you are available to go to Tallahassee. Please let us know as quickly as possible so that we can get the Florida HP depositions set up.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/01/05 03:40PM >>>

I want to depose ms stephens on Dec 8 @ 9am. Only day she has as of now. Let me know if that is fine.

-----Original Message-----

From: Gregory Brockwell [mailto:[GAB@carrallison.com](mailto:GAB@carrallison.com)]

Sent: Thursday, December 01, 2005 3:18 PM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: Roby v. Benton Express

LaBarron,

Please let me know if you are available for depositions of two Florida Highway Patrol officers in Tallahassee on December 9, 14, 15, 21, or 22. The depositions would start at about 1:00 p.m., so it should be a fairly easy trip to make in one day.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

**CC:** Brett Ross

**From:** "LaBarron Boone" <labarron.boone@beasleyallen.com>  
**To:** "Gregory Brockwell" <GAB@carrallison.com>  
**Date:** 12/2/05 4:23PM  
**Subject:** RE: Roby v. Benton Express

Ok on depo. I will have cathy email you dates for FL PD. The 8th maybe good but cathy knows my schedule better than I. Please lets confirm your expert depo for the 14th, 15th.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
Sent: Friday, December 02, 2005 2:31 PM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: RE: Roby v. Benton Express

As a compromise, we will agree for Mrs. Stephens' deposition to go forward on 12/8 on the condition that you ask the workers' comp questions in a separate section (like at the very end) and that the transcript will remain confidential and under seal until the Court rules on our motion. Please let us know if you will agree to this condition.

As for the Florida HP officers, their depositions will need to take place at their headquarters in Tallahassee. This is about 200 miles from Mrs. Stephens' deposition in Pensacola, so I don't see how we could do them all in one day. Please let me know what days you are available for a separate trip to Tallahassee. Thanks.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/02/05 08:05AM >>>

I will be asking those questions, but deadline is approaching and if courts rules in your favor then it will be inadmissible. Not harm by going forward. If we can agree on 8th lets do any other florida depo then.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
Sent: Friday, December 02, 2005 7:23 AM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: RE: Roby v. Benton Express

LaBarron,

As stated in an earlier message, we believe that we should wait until the Court rules on our Motion for Protective Order before deposing Mrs. Stephens. We expect that you will be asking her at least some (and probably a lot) of questions regarding her workers' compensation claim. If you can assure us that you will not be asking her any workers' compensation questions, then Dec. 8 will be fine for her deposition. Otherwise, we need to wait for the Court's ruling.

Following up on the message below, we need to know when you are available to go to Tallahassee. Please let us know as quickly as possible so that we can get the Florida HP depositions set up.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial

(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
www.carrallison.com

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/01/05 03:40PM >>>

I want to depose ms stephens on Dec 8 @ 9am. Only day she has as of now. Let me know if that is fine.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
Sent: Thursday, December 01, 2005 3:18 PM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: Roby v. Benton Express

LaBarron,

Please let me know if you are available for depositions of two Florida Highway Patrol officers in Tallahassee on December 9, 14, 15, 21, or 22. The depositions would start at about 1:00 p.m., so it should be a fairly easy trip to make in one day.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
www.carrallison.com

**From:** Gregory Brockwell  
**To:** LaBarron Boone  
**Date:** 12/2/05 4:50PM  
**Subject:** RE: Roby v. Benton Express

OK on Mrs. Stephens' deposition. We will plan to do that in Pensacola on 12/8. I assume that you will be sending a notice out. As for our expert, I assume you are talking about Bob Tynes. I will have to check with him to see if he is available on the 14th or 15th. To summarize, the following is my understanding of the upcoming depositions:

1. 12/6 Roland Brown
2. 12/7 Atlanta PD
3. 12/8 Stephanie Stephens
4. 12/13 M.P. Stirling (9:00 am)  
Eyewitness 1 (2:00 p.m.)(I am working to finalize)  
Eyewitness 2 (4:00 p.m.)(ditto)
5. Cathy will provide me dates for Florida HP
6. We will provide you dates for Tynes

Please let me know if I am missing something. Although we are certainly making good progress, it looks like it will be impossible to get everything done before the cutoff of 12/16. We are still agreeable to extending the cutoff, so please let us know what you want to do about that. Thanks.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/02/05 04:18PM >>>  
Ok on depo. I will have cathy email you dates for FL PD. The 8th maybe good but cathy knows my schedule better than I. Please lets confirm your expert depo for the 14th, 15th.

-----Original Message-----

From: Gregory Brockwell [mailto:[GAB@carrallison.com](mailto:GAB@carrallison.com)]  
Sent: Friday, December 02, 2005 2:31 PM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: RE: Roby v. Benton Express

As a compromise, we will agree for Mrs. Stephens' deposition to go forward on 12/8 on the condition that you ask the workers' comp questions in a separate section (like at the very end) and that the transcript will remain confidential and under seal until the Court rules on our motion. Please let us know if you will agree to this condition.

As for the Florida HP officers, their depositions will need to take place at their headquarters in Tallahassee. This is about 200 miles from Mrs. Stephens' deposition in Pensacola, so I don't see how we could do them all in one day. Please let me know what days you are available for a separate trip to Tallahassee. Thanks.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/02/05 08:05AM >>>  
I will be asking those questions, but deadline is approaching and if courts rules in your favor then it will be inadmissible. Not harm by going forward. If we can agree on 8th lets do any other florida depo then.

-----Original Message-----

From: Gregory Brockwell [mailto:[GAB@carrallison.com](mailto:GAB@carrallison.com)]  
Sent: Friday, December 02, 2005 7:23 AM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: RE: Roby v. Benton Express

LaBarron,

As stated in an earlier message, we believe that we should wait until the Court rules on our Motion for Protective Order before deposing Mrs. Stephens. We expect that you will be asking her at least some (and probably a lot) of questions regarding her workers' compensation claim. If you can assure us that you will not be asking her any workers' compensation questions, then Dec. 8 will be fine for her deposition. Otherwise, we need to wait for the Court's ruling.

Following up on the message below, we need to know when you are available to go to Tallahassee. Please let us know as quickly as possible so that we can get the Florida HP depositions set up.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

>>> "LaBarron Boone" <[labarron.boone@beasleyallen.com](mailto:labarron.boone@beasleyallen.com)> 12/01/05 03:40PM >>>

I want to depose ms stephens on Dec 8 @ 9am. Only day she has as of now. Let me know if that is fine.

-----Original Message-----

From: Gregory Brockwell [<mailto:GAB@carrallison.com>]

Sent: Thursday, December 01, 2005 3:18 PM

To: LaBarron Boone

Cc: Brett Ross

Subject: Roby v. Benton Express

LaBarron,

Please let me know if you are available for depositions of two Florida Highway Patrol officers in Tallahassee on December 9, 14, 15, 21, or 22. The depositions would start at about 1:00 p.m., so it should be a fairly easy trip to make in one day.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

**CC:** Brett Ross

**From:** Gregory Brockwell  
**To:** LaBarron Boone  
**Date:** 12/5/05 9:09AM  
**Subject:** RE: Roby v. Benton Express

You should be getting notices of deposition today.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/05/05 09:01AM >>>  
Please make sure you forward me the names of the 2 witnesses you are trying to depose on 12/13.

-----Original Message-----

From: Gregory Brockwell [mailto:[GAB@carrallison.com](mailto:GAB@carrallison.com)]  
Sent: Friday, December 02, 2005 4:50 PM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: RE: Roby v. Benton Express

OK on Mrs. Stephens' deposition. We will plan to do that in Pensacola on 12/8. I assume that you will be sending a notice out. As for our expert, I assume you are talking about Bob Tynes. I will have to check with him to see if he is available on the 14th or 15th. To summarize, the following is my understanding of the upcoming depositions:

1. 12/6 Roland Brown
2. 12/7 Atlanta PD
3. 12/8 Stephanie Stephens
4. 12/13 M.P. Stirling (9:00 am)  
    Eyewitness 1 (2:00 p.m.)(I am working to finalize)  
    Eyewitness 2 (4:00 p.m.)(ditto)
5. Cathy will provide me dates for Florida HP
6. We will provide you dates for Tynes

Please let me know if I am missing something. Although we are certainly making good progress, it looks like it will be impossible to get everything done before the cutoff of 12/16. We are still agreeable to extending the cutoff, so please let us know what you want to do about that. Thanks.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/02/05 04:18PM >>>  
Ok on depo. I will have cathy email you dates for FL PD. The 8th maybe good but cathy knows my schedule better than I. Please lets confirm your expert depo for the 14th, 15th.

-----Original Message-----

From: Gregory Brockwell [mailto:[GAB@carrallison.com](mailto:GAB@carrallison.com)]  
Sent: Friday, December 02, 2005 2:31 PM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: RE: Roby v. Benton Express

As a compromise, we will agree for Mrs. Stephens' deposition to go forward on 12/8 on the condition that you ask the workers' comp questions in a separate section (like at the very end) and that the transcript will remain confidential and under seal until the Court rules on our motion. Please let us know if you will agree to this condition.

As for the Florida HP officers, their depositions will need to take place at their headquarters in Tallahassee. This is about 200 miles from Mrs. Stephens' deposition in Pensacola, so I don't see how we could do them all in one day. Please let me know what days you are available for a separate trip to



Tallahassee. Thanks.

>>> "LaBarron Boone" <[labarron.boone@beasleyallen.com](mailto:labarron.boone@beasleyallen.com)> 12/02/05 08:05AM >>>

I will be asking those questions, but deadline is approaching and if courts rules in your favor then it will be inadmissible. Not harm by going forward. If we can agree on 8th lets do any other florida depo then.

-----Original Message-----

From: Gregory Brockwell [<mailto:GAB@carrallison.com>]

Sent: Friday, December 02, 2005 7:23 AM

To: LaBarron Boone

Cc: Brett Ross

Subject: RE: Roby v. Benton Express

LaBarron,

As stated in an earlier message, we believe that we should wait until the Court rules on our Motion for Protective Order before deposing Mrs. Stephens. We expect that you will be asking her at least some (and probably a lot) of questions regarding her workers' compensation claim. If you can assure us that you will not be asking her any workers' compensation questions, then Dec. 8 will be fine for her deposition. Otherwise, we need to wait for the Court's ruling.

Following up on the message below, we need to know when you are available to go to Tallahassee. Please let us know as quickly as possible so that we can get the Florida HP depositions set up.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

>>> "LaBarron Boone" <[labarron.boone@beasleyallen.com](mailto:labarron.boone@beasleyallen.com)> 12/01/05 03:40PM >>>

I want to depose ms stephens on Dec 8 @ 9am. Only day she has as of now. Let me know if that is fine.

-----Original Message-----

From: Gregory Brockwell [<mailto:GAB@carrallison.com>]

Sent: Thursday, December 01, 2005 3:18 PM

To: LaBarron Boone

Cc: Brett Ross

Subject: Roby v. Benton Express

LaBarron,

Please let me know if you are available for depositions of two Florida Highway Patrol officers in Tallahassee on December 9, 14, 15, 21, or 22. The depositions would start at about 1:00 p.m., so it should be a fairly easy trip to make in one day.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

**CC:** Brett Ross; Cathy Hall; Dora Johnson

**From:** "LaBarron Boone" <labarron.boone@beasleyallen.com>  
**To:** "Gregory Brockwell" <GAB@carrallison.com>  
**Date:** 12/5/05 11:20AM  
**Subject:** RE: Roby v. Benton Express

We need to complete in deadline to prevent any problems.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
Sent: Monday, December 05, 2005 11:17 AM  
To: LaBarron Boone  
Subject: RE: Roby v. Benton Express

I don't think the 8th will work. It is a 3 hour drive from Pensacola to Tallahassee, plus the 1 hour time change. I don't know how long you plan to take with Mrs. Stephens, but it would be very difficult to do it all in one day. Besides that, I do not have time to get the officers served with subpoenas, which their department requires.

I suggest that we try to take the depositions on December 9, 14, 15, 21, or 22.

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
www.carrallison.com

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/05/05 10:58AM >>>  
what dates do you want to try to do FL PD so I can try to see if I can get someone else to handle.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
Sent: Monday, December 05, 2005 10:39 AM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: Roby v. Benton Express

LaBarron,

Do you know how to get in touch with Corporal Green of the Montgomery PD? We would like to depose him, but we have not been getting much cooperation from the PD. I understand that he is retiring this month.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial

(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

**From:** "LaBarron Boone" <labarron.boone@beasleyallen.com>  
**To:** "Gregory Brockwell" <GAB@carrallison.com>  
**Date:** 12/5/05 5:36PM  
**Subject:** RE: Roby

I noticed by I will work with you all but deadline is the 16th and I have asked to depose your experts. I assume you all are going to work with me. If not, I will have to file appropriate motion. Just let me know if you all are going to make your expert available before the deadline which you are well aware of.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
Sent: Monday, December 05, 2005 5:24 PM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: Roby

LaBarron:

I received your "drop" notices of the depositions of Bob Tynes and Steve Stephens. Please note that Mr. Tynes is not available on December 14, and we have never agreed to that date. You never even mentioned taking his deposition until late last week. Mr. Tynes will not appear for deposition on December 14. We also have never agreed to December 15 for Mr. Stephens. I do not know whether Mr. Stephens is available on December 15, but I will find out. I have requested that Mr. Tynes provide me with potential deposition dates, and I will pass those along to you when I receive them.

We have tried to provide you with as much notice as possible and to work with you as much as possible when scheduling depositions. Respectfully, we would request the same courtesy from you.

Since you are apparently available for depositions on December 14 and 15, why have you not agreed to go to Tallahassee on those dates? I still have not been able to reach an agreement with you or your staff for those. I requested the Tallahassee depositions long before you ever mentioned deposing Mr. Tynes and Mr. Stephens, and I believe that we should go to Tallahassee on one of those dates since you are available.

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
www.carrallison.com

**CC:** "Dora Johnson" <dora.johnson@beasleyallen.com>

**From:** Gregory Brockwell  
**To:** LaBarron Boone  
**Date:** 12/6/05 8:35AM  
**Subject:** Roby v. Benton Express

LaBarron,

I have just received word from the Florida HP that the witnesses are not available on December 9, so those depositions are off. In addition, neither Bob Tynes nor Steve Stephens are available by December 16. There simply is no way we will be able to complete all of the depositions we need to take by the deadline. Please take a look at the attached joint stipulation. If you will sign it and fax it to me, I will file a motion to extend the deadline with the court today.

Thanks,

**CC:** Brett Ross

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION

HAZEL M. ROBY, as Administratrix of )  
the Estate of RONALD TYRONE )  
ROBY, Deceased, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BENTON EXPRESS, INC., et al, )  
 )  
Defendants. )

CIVIL ACTION NO.: 2:05CV494-T

---

JOINT STIPULATION FOR EXTENSION OF DISCOVERY DEADLINE

---

COM E NOW the Plaintiff, Hazel Roby, and the Defendant, Benton Express, Inc., and hereby jointly stipulate to the extension of the discovery deadline, stating as follows:

1. The scheduling order (Doc. No. 8) established December 16, 2005, as the deadline for all discovery to be complete, with limited exceptions.
2. The parties agree that they have worked diligently to complete all discovery in advance of December 16, 2005.
3. The parties agree that, despite their best efforts, there remain a few depositions that cannot be completed prior to the current deadline due to scheduling conflicts of counsel, the unavailability of witnesses, and the parties' inability to locate some eyewitnesses.
4. The parties agree that the discovery remaining to be completed includes the Defendant's experts, the investigating police officers, out-of-state witnesses, and various eyewitnesses. The parties agree that the discovery may also include witnesses whose identities and/or relevance are not yet known.

5. The parties agree that a new discovery deadline of February 3, 2006, will provide sufficient time to complete discovery.

6. The parties agree that they should be allowed until fourteen (14) days before trial to take non-party witness depositions that are solely for use at trial in accordance with Rule 32(a)(3) of the Federal Rules of Civil Procedure.

Dated this \_\_\_\_ day of December, 2005.

\_\_\_\_\_  
LABARRON N. BOONE

Attorney for Plaintiff

**OF COUNSEL:**

BEASLEY, ALLEN, CROW,  
METHEVIN, PORTIS & MILES, P.C.  
218 Commerce Street  
P.O. Box 4160  
Montgomery, AL 36103-4160  
(334) 269-2343

\_\_\_\_\_  
BRETT A. ROSS (ASB- 6771-076B)  
GREGORY A. BROCKWELL (ASB-9 949-R49B)

Attorneys for Defendant Benton Express, Inc.

**OF COUNSEL:**

CARR ALLISON  
100 Vestavia Parkway  
Birmingham, AL 35216  
(205) 822-2006



**From:** Gregory Brockwell  
**To:** LaBarron Boone  
**Date:** 12/9/05 4:19PM  
**Subject:** RE: Roby

Steve Stephens is available December 28 and 29 and January 26 and 27. Bob Tynes is on vacation in Florida right now. I will provide you with dates for him soon, but he has already told me (and I have already told you) that he is not available before December 16.

>>> "LaBarron Boone" <[labarron.boone@beasleyallen.com](mailto:labarron.boone@beasleyallen.com)> 12/09/05 03:45PM >>>  
I need to run some of this by Mr beasley. I think I will be able to agree on more issues but until I talk to him I am willing to agree only 1 additional week to schedule your experts. How soon can you make your experts available? When can I get dates for your expert deposition?

-----Original Message-----

From: Gregory Brockwell [<mailto:GAB@carrallison.com>]  
Sent: Friday, December 09, 2005 3:11 PM  
To: LaBarron Boone  
Subject: RE: Roby

It is attached. What time are you talking about starting Stirling? We have the witnesses at 2:00 and 4:00.

>>> "LaBarron Boone" <[labarron.boone@beasleyallen.com](mailto:labarron.boone@beasleyallen.com)> 12/09/05 03:01PM >>>  
misplaced. email it again. can we do ms stirring depo after the others b/c of an emergency for her that morning.

-----Original Message-----

From: Gregory Brockwell [<mailto:GAB@carrallison.com>]  
Sent: Friday, December 09, 2005 2:45 PM  
To: LaBarron Boone  
Subject: Roby

LaBarron:

Have you had a chance to review the joint stipulation for an extension of the discovery deadline yet?

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

**From:** "LaBarron Boone" <labarron.boone@beasleyallen.com>  
**To:** "Gregory Brockwell" <GAB@carrallison.com>  
**Date:** 12/9/05 4:41PM  
**Subject:** RE: Roby

15th is day you should schedule and we will try to have someone there.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
Sent: Friday, December 09, 2005 4:38 PM  
To: LaBarron Boone  
Subject: RE: Roby

If you are saying the 15th will work, I need to know that immediately. I cannot schedule an out-of-state deposition of non-party witnesses based on "maybe" and "possibly," which is all that I have been hearing from you. I will need to know from you by 10:00 a.m. on Monday if you will agree to an extension of the discovery deadline and, if not, whether there is any time that will definitely work for you (or anyone at your office) for the Florida HP depositions within the deadline. If I have not heard from you, then I will go ahead and schedule the depositions at a time that works best for both me and the officers. I really do not want to have to do things that way, but I have no choice with a December 16 deadline.

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
www.carrallison.com

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/09/05 04:24PM >>>

I am trying to find some who can cover FLP on 15? YOu gave us that date and I stated the 15 is only date we can possibly do.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
Sent: Friday, December 09, 2005 4:19 PM  
To: LaBarron Boone  
Subject: RE: Roby

Steve Stephens is available December 28 and 29 and January 26 and 27. Bob Tynes is on vacation in Florida right now. I will provide you with dates for him soon, but he has already told me (and I have already told you) that he is not available before December 16.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/09/05 03:45PM >>>

I need to run some of this by Mr beasley. I think I will be able to agree on more issues but until I talk to him I am willing to agree only 1 additional week to schedule your experts. How soon can you make your experts available? When can I get dates for your expert deposition?

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
Sent: Friday, December 09, 2005 3:11 PM

To: LaBarron Boone  
Subject: RE: Roby

It is attached. What time are you talking about starting Stirling? We have the witnesses at 2:00 and 4:00.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/09/05 03:01PM >>>  
misplaced. email it again. can we do ms stirling depo after the others b/c of an emergency for her that morning.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
Sent: Friday, December 09, 2005 2:45 PM  
To: LaBarron Boone  
Subject: Roby

LaBarron:

Have you had a chance to review the joint stipulation for an extension of the discovery deadline yet?

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
www.carrallison.com